

Court of Appeals, State of Michigan

ORDER

In Re Estate of Margaret A Jacob Deceased

Docket No. 269334

LC No. 01-641587-DE

Brian K. Zahra
Presiding Judge

Helene N. White

Kurtis T. Wilder
Judges

By order entered on January 4, 2007, the Court ordered attorney Mark A. Chaban to pay \$250 to appellee Shirley Getsinger for his failure to serve her counsel with copies of the transcripts for this appeal as required under MCR 7.210(F) or show cause by written response why he should not be required to pay the costs. A written response and supplemental response have been received, but the responses do not establish cause for relieving counsel of the obligation to pay the costs. The Court therefore orders attorney Mark A. Chaban to pay the assessed costs in the amount of \$250 to appellee Shirley Getsinger within 14 days after the Clerk's certification of this order.

The Court further orders that the motion to dismiss for lack of jurisdiction is GRANTED to the extent that the Court is of the opinion that it lacks jurisdiction for both the appeal and the cross-appeal. The Court lacks jurisdiction because the orders appealed from do not affect rights or interests in the decedent's estate as required under MCL 600.861(a) and MCR 5.801(B)(1); the orders may be final orders in that they dispose of the ancillary matters before the probate court, but the ancillary matters decided by the orders do not affect rights or interests in the estate. In lieu of dismissing the appeal and cross-appeal for lack of jurisdiction, the Court orders the appeal and cross-appeal TRANSFERRED to Wayne Circuit Court pursuant to MCR 5.801(E). The parties shall file their briefs and satisfy the other requirements of MCR 7.101 *et seq.*, including the payment of any fees required by rule or statute, in the circuit court after this order becomes effective under MCR 7.215(F)(1).

The motion to dismiss filed by appellee Theodore Panaretos is DISMISSED as moot.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

February 22, 2007
Date

Sandra Schultz Mengel
Chief Clerk